(4)

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Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

MISC. APPEAL NO. 26 OF 2006

(CC)

APPELLANTS : 1. Sunil Prasad, aged about 35 years, Son of Shri R. B. Prasad;

CLAIMANTS

2. Ku. Apoorva Prasad, aged about 12 years D/o Shri Sunil Prasad;

3. Avinash Prasad, aged about 11 years, Son of Shri Sunil Prasad;

4. Ku. Anjali Prasad, aged about 10 years D/o Shri Sunil Prasad;

Appellant No.2 to 4 are Minor, through their natural guardian father Shri Sunil Prasad, resident of Near Matachoura Gali No.5, Kududand, Bilaspur, (C.G.).

P.R. No. 2226/06
Presented by Shri S.P. Sahu
dated 07/08/06

VERSUS

RESPONDENTS : 1. Sanjeev Kumar Sahu, aged about 34 years Son of Shri Chandrara, Sahu, Resident of Village Sankar, Akaltara, Police Station Akaltara, District Janjgir-Champa (C.G.).

2. Dhananjay Sahu @ Sonu , aged about 23 years, Son of Shri Ram Sahu, Resident of Village Podi Dalha, Akaltara, Police Station Akaltara, District Janjgir-Champa (C.G.).

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3. The New India Insurance Company Limited, through Branch Manager, U.T.I. Building, In front of Rajeev Plaza, Bus Stand, Bilaspur, District Bilaspur (C.G.).

MISCELLANEOUS APPEAL UNDER SECTION 173 OF THE MOTOR VEHICLE ACT, 1988

(22)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A.(C.).No. 26/2006 ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	4/10/2006 Shri P.P. Sahu, Advocate for the appellants. Heard on I.A. No. 3018/2006, an application for amending the memo of appeal. The application is allowed. The appellants to carry out the amendment in the Court during the Couse of the day. Heard on admission. The instant appeal is directed against the order dated 16-6-2006 passed by the First Motor Accident Claims Tribunal, Bilaspur in Claim Case No. 103/2006 whereby the learned Claims Tribunal allowing the application under Section 140 of the Motor Vehicles Act has awarded a sum of Rs. 50,000/- as interim compensation for the death of Rajkumari- wife of the appellant No. 1 and mother of appellants No. 2 to 4, and further directed that the amount is to be distributed equally amongst the appellants. However, there is a direction that the amount payable to the appellants No. 2 to 4- the minor children of the appellant No. 1, shall be deposited in fixed term deposit for the period till they attain majority. Learned counsel for the appellants submits that the above direction is contrary to the spirit of Section 140 of the Motor Vehicles Act as the provision for interim compensation has been incorporated in the Act to fulfill the immediate requirement of dependants of the deceased. He further submits that the amount of interim award is required by the appellant No. 1 for the purposes of meeting out the	

(23)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M-A.(C.)-No.26/2006 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

expenses incurred by him for the purposes of last rite ceremony as also the funeral expenses of the deceased as the same was incurred after taking loans from private persons.

Taking into consideration the grounds mentioned in this appeal and after considering that the provision for interim compensation has been made to meet out the immediate requirement of the dependents of the deceased, the impugned order is modified to the extent that where it has been directed that the amount payable to the minors shall be deposited in fixed term deposit is set aside. The appellants are allowed to withdraw the amount of interim compensation.

The appeal is accordingly disposed of.

Sd/-
Dhirendra Mishra
Judge